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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,274	09/18/2006	Waichi Yamamura	SH-0058PCTUS	8677

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
SMITH, CHAD

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
08/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,274	YAMAMURA, WAICHI	
	Examiner	Art Unit	
	Chad H. Smith	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. 10/593,274.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/18/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 –6 are rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al. (Japanese PG Pub. # 2000/219530).

Regarding claims 1, 2, 3, 4, and 6 Harada et al. teaches an elongating method of an optical fiber base material, wherein in an elongating process of elongating an optical fiber base material by heating the optical fiber base material in a heating furnace wherein the optical fiber is hung in the furnace by a hanging mechanism (par. 0013) at a temperature in a range of 1,800 degrees Celsius to 1,900 degrees Celsius so that a diameter of the optical fiber base material is reduced (par. 0007), before the optical fiber base material is elongated from an end thereof, a distorted portion of the optical fiber base material is corrected by being heated to be softened in the heating furnace and then the elongating proceeds to achieve a difference between an elongation axis and one of the optical fiber base material and a dummy rod attached to the

optical fiber base material (17) is reduced to be no more than 10mm (par. 0007) (inherently as the heat is applied with the weight secured at the bottom of the glass rod, the distorted portion which is located at the heating portion of the glass rod, as shown in fig. 1, at the tapered bottom, is pulled straight, then the elongation process starts). Furthermore, before the optical fiber base material was hung in the furnace it must have been determined to fit without contacting the furnace otherwise the fiber may not fit into the furnace hole.

Regarding claim 5, Harada et al. teaches wherein the optical fiber base material is hung in such a manner that the distorted portion is positioned lower (the distorted portion is lower that the upper surface of heating furnace (12), as lower is not given a reference point in the claim) and the elongation axis is substantially parallel to a plumb direction (as shown in fig. 1 the elongation axis is parallel to a plumb direction, as a plumb direction is the direction the weight pulls towards the earth do to gravity).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (Japanese PG Pub. # 2000/219530) in view of Yamamura et al. (U.S. Patent # 6,742,363 B1).

The cited primary reference teaches the basic claimed elongating method as previously discussed in claims 3 and 4 above.

The cited primary reference does not teach wherein the difference is detected by using a noncontact position detecting apparatus, wherein the noncontact position detecting apparatus is one of a laser measuring device and an image processing apparatus.

The added secondary reference teaches a laser beam diameter measuring device for detecting the diameter of the glass material so that a uniform diameter fiber can be produced with minimal attenuation characteristics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Harada et al.'s elongating method with Yamamura et al. teaching of a laser beam diameter measuring device for detecting the diameter of the glass material so that a uniform diameter fiber can be produced with minimal attenuation characteristics.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad H. Smith whose telephone number is (571) 270-1294. The examiner can normally be reached on Monday-Thursday 7:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-270-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chad H. Smith/
CHS

/Sung Pak/
Sung H. Pak
Primary Examiner
AU 2874